

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Robert M. Charles, Jr. NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE MARLTON SQUARE
(SECOND) DEVELOPERS LOAN**

Date of Hearing: September 30, 2011

Time of Hearing: 9:30 a.m.

Estimated Time For Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE
MARLTON SQUARE (SECOND) DEVELOPERS LOAN. THE USACM TRUST
CONTENDS THAT YOU DO NOT HAVE A VALID CLAIM BASED UPON YOUR
INVESTMENT IN THIS LOAN BECAUSE YOU TOOK A KNOWN AND
OBVIOUS RISK IN MAKING THAT INVESTMENT AND USACM DID NOT
GUARANTEE REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT
IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN
INVESTMENT IN A DIFFERENT LOAN.**

1 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
2 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**
3 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
4 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
5 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**
6 **HINDERAKER (520-629-4430).**

7 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
8 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon
9 Investment in the Marlton Square (Second) Developers Loan(with Certificate of Service)
10 (the "Objection"). Your Proof of Claim number and other information regarding your
11 claim is provided in **Exhibit A**, attached to the Objection. The USACM Liquidating Trust
12 has requested that this Court enter an order, pursuant to section 502 of title 11 of the
13 United States Code (the "Bankruptcy Code") and Rule 3007 of the Federal Rules of
14 Bankruptcy Procedure (the "Bankruptcy Rules"), disallowing your Proof of Claim to the
15 extent it is based upon an investment in the Marlton Square (Second) Developers Loan.
16 The Objection will not impact your Claim to the extent it is based upon an investment in a
17 different loan.

18 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
19 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
20 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
21 **September 30, 2011, at the hour of 9:30 a.m.**

22 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON AUGUST**
23 **30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
24 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
25 **HEARD ON THAT DATE.**
26

1 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
2 response to the objection must be filed and service must be completed no later than
3 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant
4 facts and any relevant legal authority.

5 If you object to the relief requested, you *must* file a **WRITTEN** response to this
6 pleading with the Court. You *must* also serve your written response on the person who
7 sent you this notice.

8 If you do not file a written response with the Court, or if you do not serve your
9 written response on the person who sent you this notice, then:

- 10 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
11 • The Court may *rule against you* and sustain the objection without formally
12 calling the matter at the hearing.

13 Dated: August 3, 2011.

14 LEWIS AND ROCA LLP

15 By s/ John Hinderaker (AZ 18024)
16 Robert M. Charles, Jr., NV 6593
17 John Hinderaker, AZ 18024 (*pro hac vice*)
18 3993 Howard Hughes Parkway, Suite 600
19 Las Vegas, Nevada 89169
20 E-mail: JHinderaker@lrlaw.com
21 Attorneys for the USACM Liquidating Trust

22 Copy of the foregoing deposited on
23 August 3, 2011 in U.S. Mail, first class,
24 postage prepaid, to all parties listed on
25 Exhibit A attached to the objection.

26 LEWIS AND ROCA LLP

s/ Matt Burns
 Matt Burns, Paralegal